

Remarks

Claims 1-21 are pending in the application. Claims 15-21 have been withdrawn and subsequently cancelled. New claims 22-26 have been added. Reconsideration and re-examination of the application is respectfully requested.

1. The election of claims 1-14 for prosecution and the withdrawal of claims 15-21 from prosecution in the subject application is hereby affirmed. Claims 15-21 have been cancelled herein to further expedite prosecution in view of the restriction requirement. Applicant, however, reserves the right to prosecute claims 15-21 in any divisional or continuation application at a later date.

2. The Examiner has rejected claims 1 and 6 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,995,613 issued to Patil.

Claim 1 requires the constructional unit to comprise “a plurality of spacers arranged between the frame and the cover, the spacers being formed to define a gap therebetween; and an adhesive provided in the gap that attaches the frame to the cover and simultaneously seals the gap.” Claim 1 therefore requires a frame, a cover, an adhesive, and spacers, as defined in the claim.

The Examiner identifies the spacer frames 34 of Patil as the frame of the claimed invention. As shown in Figs. 2-3 and described in column 3, lines 12-15 of Patil, the spacer frames 34 are adhered to cover plates 18, 20 by a moisture-impervious adhesive 46. As clearly shown in Figs. 2-3 of Patil, Patil does not teach a separate spacer arranged between the spacer frames 34 and the respective cover plates 18, 20 adhered thereto such that a gap is formed

therebetween that receives the adhesive 46, as required by the claimed invention. Patil therefore fails to teach all of the elements of claim 1. Removal of the rejection of claim 1 is therefore respectfully requested.

Claim 6 depends from independent claim 1. As previously discussed, Patil does not teach all of the elements of claim 1 and therefore does not teach all of the elements of claim 6. Removal of the rejection of claim 6 is respectfully requested.

3. The Examiner has rejected claims 8 and 13 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,995,613 issued to Patil.

Claim 8 requires the constructional unit to comprise “an adhesive provided between the frame and the cover that attaches the frame to the cover and seals a region between the frame and the cover, the region having indentations that provide repositories for the adhesive.” Claim 8 therefore requires a frame, a cover, an adhesive, and a region between the frame and the cover having indentations that provide repositories for the adhesive, as defined in the claim.

As previously discussed, the Examiner identifies the spacer frames 34 of Patil as the frame of the claimed invention. As shown in Figs. 2-3 and described in column 3, lines 12-15 of Patil, the spacer frames 34 are adhered to cover plates 18, 20 by a moisture-impervious adhesive 46. As clearly shown in Figs. 2-3 of Patil, Patil does not teach a region between the spacer frames 34 and the respective cover plates 18, 20 having indentations that provide repositories for the adhesive 46, as required by the claimed invention. Patil therefore fails to teach all of the elements of claim 8. Removal of the rejection of claim 8 is therefore respectfully requested.

Claim 13 depends from independent claim 8. As previously discussed, Patil does not teach all of the elements of claim 8 and therefore does not teach all of the elements of claim 13. Removal of the rejection of claim 13 is respectfully requested.

4. The Examiner has rejected claims 1-7 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,399,805 issued to Tyler et al. in view of US Patent No. 4,337,709 issued to Nicholson.

Claim 1 requires the constructional unit to comprise “a plurality of spacers arranged between the frame and the cover, the spacers being formed to define a gap therebetween; and an adhesive provided in the gap that attaches the frame to the cover and simultaneously seals the gap.” Claim 1 therefore requires a frame, a cover, spacers defining a gap therebetween, and an adhesive received in the gap, as defined in the claim.

As clearly shown in Fig. 3 and discussed in column 6, lines 1-55 of Tyler et al., Tyler et al. teaches a metallic plate 52 and a window frame 54 adhered to a leadframe 20 by a first adhesive 22, and a cover 60 adhered to the window frame 54 by a second adhesive 62. Tyler et al. does not teach or suggest a spacer arranged between either the metallic plate 52 and the window frame 54 or the cover 60 and the window frame 54 that defines a gap therebetween that receives an adhesive, as required by the claimed invention. Tyler et al. therefore fails to teach or suggest all of the elements of the claimed invention.

The addition of Nicholson fails to make up for the deficiency of Tyler et al., because Nicholson also fails to teach or suggest a spacer as defined by the claimed invention. As shown in Figs. 2 and 6 of Nicholson, Nicholson teaches a storable table attachable top 3 having spacers 20 projecting from a rear surface thereof. The spacers 20 have a magnet 9 adhered thereto that

correspond to magnetically attracting plates 18 in a wall attachable housing structure such that the storable table attachable top 3 can be mounted therein. The spacers 20 therefore do not define a gap between the storable table attachable top 3 and the wall attachable housing structure that receives an adhesive, as required by the claimed invention. The combination of Nicholson in view of Tyler et al. therefore fails to teach or suggest all of the elements of the claimed invention. Because the Examiner has failed to set forth a prima facie case of obviousness, removal of the rejection of claim 1 is respectfully requested.

Claims 2-7 depend from independent claim 1. As previously discussed, the combination of Tyler et al. in view of Nicholson fails to teach or suggest all of the elements of claim 1, and therefore the combination of Tyler et al. in view of Nicholson fails to teach or suggest all of the elements of claims 2-7. Removal of the rejection of claims 2-7 is therefore respectfully requested.

5. The Examiner has rejected claims 8-14 under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,399,805 issued to Tyler et al. in view of US Patent No. 4,337,709 issued to Nicholson.

Claim 8 requires the constructional unit to comprise “an adhesive provided between the frame and the cover that attaches the frame to the cover and seals a region between the frame and the cover, the region having indentations that provide repositories for the adhesive.” Claim 8 therefore requires a frame, a cover, an adhesive, and a region between the frame and the cover having indentations that provide repositories for the adhesive, as defined in the claim.

As previously discussed, Tyler et al. teaches a metallic plate 52 and a window frame 54 adhered to a leadframe 20 by a first adhesive 22, and a cover 60 adhered to the window frame 54

by a second adhesive 62. Tyler et al. does not teach or suggest a region between either the metallic plate 52 and the window frame 54 or the cover 60 and the window frame 54 having indentations that provide repositories for an adhesive, as required by the claimed invention. Tyler et al. therefore fails to teach or suggest all of the elements of the claimed invention.

The addition of Nicholson fails to make up for the deficiency of Tyler et al., because Nicholson also fails to teach or suggest a region having indentations that provide repositories for an adhesive as defined by the claimed invention. As previously discussed, Nicholson teaches a storable table attachable top 3 having spacers 20 projecting from a rear surface thereof. The spacers 20 have a magnet 9 adhered thereto that corresponds to magnetically attracting plates 18 in a wall attachable housing structure such that the storable table attachable top 3 can be mounted therein. Nicholson does not teach or suggest a region between the storable table attachable top 3 and the wall attachable housing structure having indentations that provide repositories for an adhesive, as required by the claimed invention. The combination of Nicholson in view of Tyler et al. therefore fails to teach or suggest all of the elements of the claimed invention. Because the Examiner has failed to set forth a prima facie case of obviousness, removal of the rejection of claim 8 is respectfully requested.

Claims 9-14 depend from independent claim 8. As previously discussed, the combination of Tyler et al. in view of Nicholson fails to teach or suggest all of the elements of claim 8, and therefore the combination of Tyler et al. in view of Nicholson fails to teach or suggest all of the elements of claims 9-14. Removal of the rejection of claims 9-14 is therefore respectfully requested.

6. New claims 22-26 have been added to the application. New claims 22-26 are considered to be in condition for allowance, because the prior art fails to teach or suggest all of the elements of claims 22-26. Examination of claims 22-26 and passage to issue is respectfully requested.

In view of the arguments presented herein, the application is considered to be in condition for allowance. Reconsideration and passage to issue is respectfully requested. If the Examiner has any questions or needs further clarification, he is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Berchtold, et al., Applicants

/s/ Jennifer Mae Slonaker

Jennifer Mae Slonaker

Registration No. 50,568

Attorney for Applicants

Phone: 717.399.1535

Facsimile: 717.291.4660